

PROBLEM STATEMENT

Environmental justice is the intersection between the fight for civil rights and for environmental health, ensuring marginalized communities have self-determination and are no longer at the frontlines of activity that harms both the environment and public health. Connecticut must not only address its legacy of injustice where communities are already overburdened with inordinate public health and environmental impacts from affecting facilities. It must also support the empowerment of communities in decision-making processes to stop new and existing sources of pollution.

IMPACT: Health & Quality of Life

The approval of affecting facilities, such as power plants, sewage treatment facilities, trash incinerators, and landfills, impacts public health in all communities. These facilities are concentrated in low-wealth urban communities and communities of color of all income levels. These toxic sites are directly responsible for ailments such as high rates of asthma, cancer, Attention Deficit Hyperactivity Disorder (ADHD), and other learning disabilities. These factors can impact quality of life through exposure to odor, noise, and limited access to open space.

CURRENT POLICY STATUS

Public Act 23-202 directed the state's Department of Energy & Environmental Protection (DEEP), as well as the Siting Council, to update certain public participation and public notice requirements, and has been granted the ability to deny permits for new affecting facilities if it would result in significant cumulative environmental or public health impacts in a distressed community already overburdened with pollution.



LEGISLATIVE SOLUTIONS

The next step in this process is for the state to develop and propose regulations for what would constitute a permit denial for a new affecting facility. These regulations must be approved by the General Assembly's Regulations Review Committee.

Apart from the Regulations Review Committee process, there is more that should be done to correct historic environmental injustices, such as:

- Strengthen Connecticut's Environmental Justice Law through extension of the required 30-day deadline for Public Participation Reports after an informal public meeting to a 120-day deadline.
- Ensure equal application of Connecticut's Environmental Justice Law to protect state-identified Environmental Justice Communities with 10,000 or fewer residents.
- Restructure of the Connecticut Siting Council to include representatives of Connecticut-based environmental organizations and residents of state-identified EJ Communities that are experienced in the field of climate change, ecology, energy, or environmental health equity.

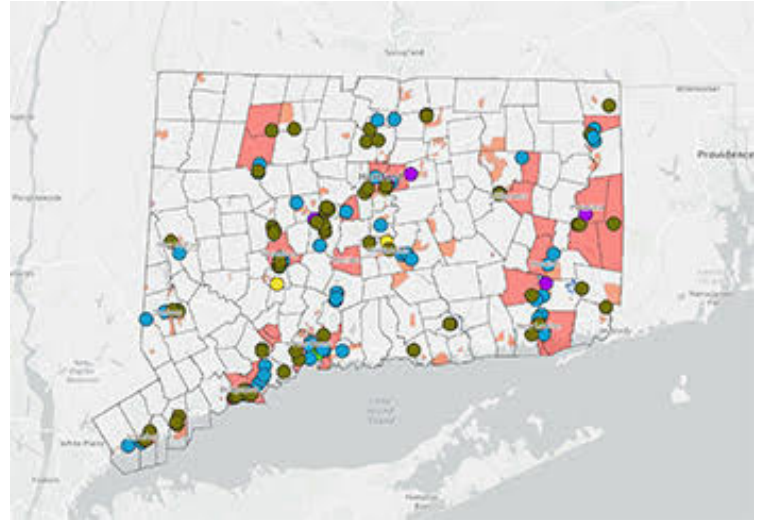
THREATS TO PROGRESS

Fossil fuel interests, more specifically, lobbyists enlisted by owners of affecting facilities have posed resistance to the strengthening of Connecticut's EJ Law. They have argued that municipal planning and zoning boards are already well equipped to manage permitting decisions, and that giving regulatory power to DEEP and the Siting Council to deny permits for affecting facilities undermines the growth of industry in the State. However, they ignore the historic discriminatory permitting practices that made an EJ rule necessary in the first place.

AFFECTING FACILITIES

- Facilities that are subject to certain environmental justice actions are known as "affecting facilities". Affecting facilities are defined in section 22a-20a of the Connecticut General Statutes (CGS) as any facility that falls under at least one of the following categories:
- (A) electric generating facility with a capacity of more than 10 megawatts;
- (B) sludge or solid waste incinerator or combustor;
- (C) sewage treatment plant with a capacity of more than 50 million gallons per day;
- (D) intermediate processing center, volume reduction facility or multitown recycling facility with a combined monthly volume in excess of 25 tons;
- (E) new or expanded landfill, including, but not limited to, a landfill that contains ash, construction and demolition debris or solid waste;
- (F) medical waste incinerator; or
- (G) major source of air pollution, as defined by the federal Clean Air Act
- Section 22a-20a CGS states that for any application for an affecting facility that constitutes a new or expanded permit, and that is located/proposed to be located in an EJ community, the applicant shall enter into a community environmental benefit agreement with the municipality if

there are five or more affecting facilities in such municipality at the time the application is filed.



FAST FACTS

- In Connecticut, there are over 600 potential pollution sources in each of our five major metropolitan towns: Bridgeport, Hartford, New Haven, Stamford and Waterbury. These five towns combined contain:
- 19% of the state's pollution.
- 20% of all potential pollution sources.
- 51% of the state's population is in poverty.
- 71% of the state's minority population.

MORE INFORMATION

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